

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

ST. JUDE MEDICAL S.C., INC.,

Plaintiff,

v.

LOUISE MARIE JANSEN-COUNOTTE

Defendant.

Case No.: 14-cv-877

[PROPOSED] ORDER GRANTING TEMPORARY RESTRAINING ORDER

On this day came to be considered Plaintiff St. Jude Medical S.C., Inc. (“St. Jude”)’s Application for Temporary Restraining Order, filed in St. Jude’s suit against Louise Marie (“Marlou”) Janssen-Counotte for misappropriation and conversion of trade secrets. After considering the Application and the exhibits thereto, the Court finds that St. Jude has shown (1) that it has substantial likelihood of success on the merits on its claims of misappropriation of trade secrets and conversion; (2) that it faces a substantial threat of irreparable injury if temporary injunctive relief is not issued; (3) that the harm faced by St. Jude outweighs any damage that a temporary restraining order might cause Ms. Janssen-Counotte; and (4) that temporary injunctive relief is not adverse to the public interest, all justifying a temporary restraining order pursuant to Rule 65(b) of the Federal Rules of Civil Procedure and Section 134A.003 of the Texas Civil Practice and Remedies Code.

Accordingly, it is so hereby ORDERED that:

1. Ms. Louise Marie Janssen-Counotte (the "Defendant") and any person in active concert or participation with her are enjoined from holding the position of president, and from employment in the areas of strategic planning, compensation, pricing, marketing, or product development of cardiovascular medical devices and products for Biotronik, Inc. ("Biotronik");
2. The Defendant, and any person in active concert or participation with her, are enjoined from using or disclosing St. Jude's trade secrets and proprietary information to Biotronik or any other competitor of St. Jude;
3. The Defendant and her counsel, are directed to immediately (a) sequester and deliver any St. Jude documents or data in her possession, custody, or control in any form, including any media (including flash drives, CDs, removable media, or other storage devices) on which they are stored, by _____ and (b) sequester and preserve any communications between Defendant or her counsel and Biotronik about a position at Biotronik;
4. Plaintiff St. Jude will post security in the amount of _____ by _____; and
5. This Order will be effective through _____.

SO ORDERED this _____ day of September, 2014, at _____.

UNITED STATES DISTRICT JUDGE